IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6420 OF 2001

Shriram Industries, Wardha ... Petitioner

Versus

Union of India ... Respondents

Mr. Anilkumar Patil for Petitioner.

CORAM : F.I. REBELLO,J.
DATED : OCTOBER 19, 2005

P.C.

. Rule. Heard forthwith.

. The Petitioners, a partnership had filed application before the Railway Claim Tribunal. The claim ought to have been filed within three years. The tribunal has noted that there was delay of approximately two years on filing the application.

. It is the case of the Petitioner that they had made out sufficient case for condoning the delay and in these circumstances, refusal by the tribunal to condone the delay discloses error of law apparent on the face of record.

. In the instant case, the tribunal has noted that the Petitioner was partnership. The tribunal further noted that it was also not the case of the applicant that the other partner was incapacitated to file any claim application because of some illness. In these circumstances, the tribunal has refused to exercise discretion and condone delay.

. There was material before the Tribunal. Based on the said material, the tribunal came to the conclusion that the Petitioner had failed to make out sufficient case. In the light of that, order does not suffer any error apparent. Considering that, rule discharged. No order as to costs.

(F.I. REBELLO,J.)